

# South Carolina Home and Community-Based Services (HCBS) Statewide Transition Plan (STP)

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August 2019 Public Meetings

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# Agenda

- Introduction
- HCBS Rule – Overview
- Statewide Transition Plan Update
  - Status update
  - Communication and Outreach
  - Systemic Assessment
  - Settings Assessment
  - Heightened Scrutiny
- Comments and Questions
- Public Comment

# HCBS Settings Rule - Overview

- HCBS Settings Rule impacts all SCDHHS 1915(c) Home and Community Based Services waiver programs
- Centers for Medicare and Medicaid Services (CMS) announced the HCBS rule Jan. 16, 2014
- It was effective March 17, 2014
  - All states must be in compliance by **March 17, 2022** (for existing providers and programs)
- Two areas of focus:
  - Person-Centered Service Planning
  - Home and Community Based Settings Requirements

# HCBS Settings Rule - Overview

- Purpose (1):
  - Focus on the quality of beneficiaries' experiences
  - Enhance the quality of HCB services
  - Ensure beneficiaries have full access to the benefits of community living
- Home and Community-Based Services should:
  - Protect people's rights
  - Take place in an integrated setting
  - Give people access to their community
  - Focus on what people's goals are, what is important to them and what is important for them
  - Provide people with *meaningful* choices

*Independent•Integrated•Individual*

# HCBS Settings Requirements

- The setting is integrated in and supports full access to the greater community
  - Includes opportunities to seek employment and work in competitive integrated settings
  - Engage in community life
  - Control personal resources
  - Receive services in the community
- The setting is selected by the person from options which include non-disability specific settings (2)

# HCBS Settings Requirements

- Ensures a person's rights of privacy, dignity, respect and freedom from coercion and restraint
- Optimizes, but does not regiment, individual initiative, autonomy and independence in making life choices
- Facilitates individual choice regarding services and supports, and who provides them (3)

# HCBS Settings Requirements: Residential

- People must have a lease
- Person has privacy in their sleeping/living unit
  - Lockable by the person
  - Choice of roommate
  - Freedom to furnish or decorate
- People must have a key to or way to lock their home and room
  - Only appropriate staff have the same key (not **all**)
- People must have access to food at all times
- People must be able to have visitors at any time
- The setting is physically accessible to the person
- People have the freedom and support to control own schedules and activities (4)

# HCBS Settings Requirements

- CMS has specified settings that are **not** Home and Community-Based (5):
  - A nursing home
  - An Institution for Mental Disease (IMD)
  - An Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID)
  - A hospital
  - Other locations that have qualities of an institutional setting



# HCBS Settings Requirements

- Settings that have qualities of an institution (6):
  - Any setting that is located in a building that is also a publicly or privately operated facility that provides inpatient institutional treatment
  - Any setting in a building on the grounds of, or immediately adjacent to, a public institution\*
  - Or any other setting that has the effect of isolating individuals receiving home and community-based services from the broader community

*\* A public institution is defined as an inpatient facility that is financed and operated by a county, state, municipality or other unit of government (7)*

# HCBS Settings Rule - Overview

- Statewide Transition Plan: federal requirement (8):
  - States must write a Statewide Transition Plan to describe compliance remediation activities
  - What changes will the state make to meet the new standards in their waiver programs?
- Two phases of the STP:
  - Initial Approval
  - Final Approval

# SC HCBS Statewide Transition Plan

- STP Status Update
  - Plan received “Initial Approval” by CMS Nov. 4, 2016
    - Revised six times before approval
    - Systemic Assessment process and changes approved by CMS (even with changes still pending)
  - Next step: “Final Approval” of plan by CMS
    - STP Revisions include:
      - Updates on systemic changes
      - Full details on settings assessment and outcomes
      - Fully described state-level review for CMS Heightened Scrutiny
  - Public notice and comment period
    - Aug. 12-Sept. 13, 2019
    - Three public meetings and one webinar
    - Submit to CMS for review by Sept. 27, 2019

# SC HCBS Statewide Transition Plan

- Four primary sections of the plan:
  - Communication & Outreach
    - Describes the public input into the process
  - Systemic Assessment
    - Describes state assessment of the laws, regulations and policies that guide the HCBS program in SC for compliance with findings
  - Assessment of Settings
    - Describes state assessment of settings where Home and Community-Based (HCB) services are provided
    - Describes—in detail—actions to come into compliance by March 17, 2022
    - Describes—in detail—actions to maintain compliance after March 17, 2022
  - Heightened Scrutiny
    - Describes HCB Quality Settings Review process
    - Describes process of possible relocation of beneficiaries
- Appendices
- Found at the SCDHHS HCBS website (9)

# SC HCBS STP – Revisions

- Section 1, Introduction:
  - Updated Table of Contents, added appendices (all linked)
  - Updated waiver information to include tables: services offered by setting type per waiver (linked)
- Section 2, Communication:
  - Inserted update on communication and current public notice

# SC HCBS STP – Revisions

- Section 3, Systemic Assessment:
  - Updates to policy changes with completion dates throughout
  - Implementation of new Residential Personal Care II (RPC II) service
  - Waiver renewal dates
  - Revisions to provider service provision requirements

# SC HCBS STP – Revisions

- Section 4, Assessment of Settings:
  - Significant revisions to meet CMS requirements for final approval
  - Fully described the assessment process for all waiver settings:
    - Adult Day Health Care settings
    - Pediatric Medical Day Care
    - SCDDSN residential homes
    - SCDDSN day programs
  - Assessment process includes:
    - Site visits at settings
    - Compliance Action Plans from providers
    - Monitoring changes providers make to settings
    - Technical assistance and training for providers

# HCBS Settings Assessment Outcomes

## Non-residential Setting types by HCBS Compliance Category

HCBS Compliance Category	ADHC	AAC <sub>1</sub>	WAC <sub>2</sub>	Unclassified	AAC/WAC	AAC/WAC/ Unclassified
Fully comply with federal requirements	1	0	0	0	0	0
Do not comply – will require modifications	77	43	20	11	6	3
Cannot meet requirements – will require removal from the program/relocation of individuals	1 <sub>3</sub>	0	0	0	0	0
Subject to State Review for possible Heightened Scrutiny Review by CMS	2 <sub>4</sub>	3	2	0	0	0

<sup>[1]</sup>These numbers include settings that are licensed as “AAC” and as “AAC/Unclassified”

<sup>[2]</sup> These numbers include settings that are licensed as “WAC” and as “WAC/Unclassified”

<sup>[3]</sup> This number represents one adult day health care center located in an inpatient facility

<sup>[4]</sup> This number represents two Adult Day Health care centers co-located in a CRCF. One ADHC voluntarily closed before beginning the State Review Process. The other ADHC went through the State Review Process



# HCBS Settings Assessment Outcomes

## Residential Setting types by HCBS Compliance Category

HCBS Compliance Category	SLP I	SLP II <sub>1</sub>	CTH I	CTH II	CLOUD/ CIRS <sub>3</sub>	CRCF
Fully comply with federal requirements	0	0	0	0	0	0
Do not comply – will require modifications	239 <sub>2</sub>	28	138	677	6	31
Cannot meet requirements – will require removal from the program/relocation of individuals	0	0	0	0	0	0
Subject to State Review for possible Heightened Scrutiny Review by CMS	17	28	0	36	15	18

[1] The numbers listed are apartment complexes

[2] While only a sample of the total SLP I settings received a site visit (57, 20%), we are assuming that based on the sample assessment results, the remaining settings will need some level of remediation

[3] CLOUD = Customized Living Options Uniquely Designed; CIRS = Community Inclusive Residential Supports

# SC HCBS STP – Revisions

- Section 4, continued:
  - Section on Beneficiary and Family Surveys
  - Updated information on ongoing compliance actions
    - Monitoring Pediatric Medical Day Care
    - Monitoring ADHCs
      - New provider compliance measures
      - Beneficiary survey specific to ADHC services
    - Monitoring SCDDSN residential and day settings
      - Public provider dashboard (10)
      - Residential observations
      - Day observations

# SC HCBS STP – Revisions

- Section 5, Heightened Scrutiny:
  - Significant revisions to meet CMS requirements for final approval
  - The state must identify settings that are “presumed to have the qualities of an institution” (11)
  - The state must gather evidence to determine if the setting can overcome the institutional presumption and is, or can be, home and community-based
    - If yes, submit to CMS for “heightened scrutiny” (a closer look)
  - Process for reviewing ADHCs detailed
  - Proposed process for reviewing SCDDSN residential and day settings detailed
    - Based on new CMS guidance issued in March 2019

# Public Comment

- Aug. 12-Sept. 13, 2019
- STP Public Webinar:
  - Aug. 20, 2019
  - 11:30 a.m.-1 p.m.
  - Register:  
<https://zoom.us/webinar/register/0cbfe4c5f6f40f2e7c24e00bf0acd2b8>
  - Will be recorded for later viewing
  - Same content as the public meetings

# Public Comment

- STP Public Meetings (all 6-7:30 p.m.)

Date	City	Location
Aug. 13	Simpsonville	Five Forks Branch Library Meeting Room A 104 Sunnydale Dr. Simpsonville, SC 29681
Aug. 15	North Charleston	Otranto Regional Library 2261 Otranto Road North Charleston, SC 29406
Aug. 22	Columbia	Babcock Center Mary L. Duffie Administration Building 2725 Banny Jones Ave. West Columbia, SC 29170

# Public Comment

- Submit Comments:
  - Website:  
<https://msp.scdhhs.gov/hcbs/webform/comments-questions>
  - Email: [comments@scdhhs.gov](mailto:comments@scdhhs.gov)
  - Mail to:  
Long Term Living  
ATTN: Kelly Eifert, Ph.D.  
South Carolina Department of Health and Human Services  
P.O. Box 8206  
Columbia, SC 29202-8206
- Public comments due by 5 p.m. Sept. 13, 2019

Comments or Questions?

# For Additional Information

Please visit:

[www.scdhhs.gov/hcbs](http://www.scdhhs.gov/hcbs)

for information on the HCBS Rule, the public notice  
and the Statewide Transition Plan



# Resources

- 1) Centers for Medicare and Medicaid Services (CMS) (October 26, 2015). *Home and Community-Based Settings, Excluded Settings, and the Heightened Scrutiny Process*. Webinar retrieved from: <https://www.medicaid.gov/medicaid/hcbs/downloads/hcb-excluded-settings-and-heightened-scrutiny.pdf>
- 2) Code of Federal Regulations, Title 42, Part 441, Subpart G, Section 301(c)(4). Retrieved from: [http://www.ecfr.gov/cgi-bin/text-idx?SID=76f3a7cf2f3c96b9b1053ee4a05e818a&mc=true&node=se42.4.441\\_1301&rgn=div8](http://www.ecfr.gov/cgi-bin/text-idx?SID=76f3a7cf2f3c96b9b1053ee4a05e818a&mc=true&node=se42.4.441_1301&rgn=div8)
- 3) Code of Federal Regulations, Title 42, Part 441, Subpart G, Section 301(c)(4). Retrieved from: [http://www.ecfr.gov/cgi-bin/text-idx?SID=76f3a7cf2f3c96b9b1053ee4a05e818a&mc=true&node=se42.4.441\\_1301&rgn=div8](http://www.ecfr.gov/cgi-bin/text-idx?SID=76f3a7cf2f3c96b9b1053ee4a05e818a&mc=true&node=se42.4.441_1301&rgn=div8)
- 4) Code of Federal Regulations, Title 42, Part 441, Subpart G, Section 301(c)(4). Retrieved from: [http://www.ecfr.gov/cgi-bin/text-idx?SID=76f3a7cf2f3c96b9b1053ee4a05e818a&mc=true&node=se42.4.441\\_1301&rgn=div8](http://www.ecfr.gov/cgi-bin/text-idx?SID=76f3a7cf2f3c96b9b1053ee4a05e818a&mc=true&node=se42.4.441_1301&rgn=div8)

# Resources

- 5) Code of Federal Regulations, Title 42, Part 441, Subpart G, Section 301(c)(5). Retrieved from: [http://www.ecfr.gov/cgi-bin/text-idx?SID=76f3a7cf2f3c96b9b1053ee4a05e818a&mc=true&node=se42.4.441\\_1301&rgn=div8](http://www.ecfr.gov/cgi-bin/text-idx?SID=76f3a7cf2f3c96b9b1053ee4a05e818a&mc=true&node=se42.4.441_1301&rgn=div8)
- 6) Code of Federal Regulations, Title 42, Part 441, Subpart G, Section 301(c)(5). Retrieved from: [http://www.ecfr.gov/cgi-bin/text-idx?SID=76f3a7cf2f3c96b9b1053ee4a05e818a&mc=true&node=se42.4.441\\_1301&rgn=div8](http://www.ecfr.gov/cgi-bin/text-idx?SID=76f3a7cf2f3c96b9b1053ee4a05e818a&mc=true&node=se42.4.441_1301&rgn=div8)
- 7) CMS (Dec. 2014). HCBS Final Regulations: Q & A Regarding Home and Community-Based Settings. Retrieved from: <https://www.medicaid.gov/medicaid/hcbs/downloads/q-and-a-hcb-settings.pdf>
- 8) Code of Federal Regulations, Title 42, Part 441, Subpart G, Section 301(c)(6). Retrieved from: [http://www.ecfr.gov/cgi-bin/text-idx?SID=76f3a7cf2f3c96b9b1053ee4a05e818a&mc=true&node=se42.4.441\\_1301&rgn=div8](http://www.ecfr.gov/cgi-bin/text-idx?SID=76f3a7cf2f3c96b9b1053ee4a05e818a&mc=true&node=se42.4.441_1301&rgn=div8)

# Resources

- 9) South Carolina Department of Health and Human Services (SCDHHS) (2019). *HCBS Statewide Transition Plan*. Found at:  
<https://msp.scdhhs.gov/hcbs/site-page/hcbs-statewide-transition-plan>
- 10) South Carolina Department of Disabilities and Special Needs (SCDDSN) (2019). *Provider Dashboard*. Found at:  
<https://app.ddsn.sc.gov/public/ratings/landing.do>
- 11) Centers for Medicare and Medicaid Services (CMS) (October 26, 2015). *Home and Community-Based Settings, Excluded Settings, and the Heightened Scrutiny Process*. Webinar retrieved from:  
<https://www.medicaid.gov/medicaid/hcbs/downloads/hcb-excluded-settings-and-heightened-scrutiny.pdf>

